

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
APPROPRIATIONS SUBCOMMITTEE
Room 25 House Building
February 4, 2016**

Members Present: Sen. Daniel W. Thatcher, Co-Chair
Rep. Eric K. Hutchings, Co-Chair
Rep. Keven J. Stratton, House Vice Chair
Sen. Curtis S. Bramble
Sen. Jani Iwamoto
Sen. Scott K. Jenkins
Rep. Rich Cunningham
Rep. Sophia DiCaro
Rep. Brian S. King
Rep. Merrill Nelson
Rep. Curtis Oda
Rep. Angela Romero

Members Excused: Sen. Wayne L. Niederhauser, President, Sen. Ralph Okerlund,
and Rep. V. Lowry Snow

Staff Present: Mr. Gary Syphus, Fiscal Analyst
Ms. Clare Tobin Lence, Fiscal Analyst
Ms. Cindy Hopkin, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Co-Chair Thatcher called the meeting to order at 8:24 a.m.

1. Base Budget Discussion and Voting

Sen. Thatcher introduced the committee's goal for the meeting, to make any changes to the Base Budget Options list and vote on the Base Budget. He reminded the committee that noon today is the last time to get in legislator requests for appropriation.

Ms. Clare Tobin Lence, Fiscal Analyst, and Mr. Gary Syphus, Fiscal Analyst, presented corrections, and adjustments to a few items in the Base Budget Options to better reflect agency responses.

MOTION: Rep. Hutchings made a motion to adopt the recommendations listed in the document titled Base Budget Options, dated February 4, 2016, under the column Agency Requested Use of Funds, including the requested change under line 22 from the Governor's Office to allocate the \$45,300 in savings.

The motion passed unanimously with Sen. Bramble, Sen. Niederhauser, Sen. Okerlund, Rep. Oda,

Rep. Snow and Rep. Stratton absent for the vote.

MOTION: Rep. Hutchings moved:

1. That the committee adopt the budget offsets listed in the document titled Base Budget Options, and direct the state agencies to reallocate funding internally as outlined in the document.

2. That the committee direct the Analyst to remove the appropriation to the Attorney General from the Attorney General Litigation Fund in the Capital and Operating Budgets section of H. B. 6 and instead include the Attorney General Litigation Fund in the Expendable Funds and Accounts section of H. B. 6.

3. That the committee direct the Analyst to include the Attorney General's Consumer Programs Fund in the Expendable Funds and Accounts section of H. B. 6.

4. That the committee direct the Analyst to include the Attorney General's Financial Crimes Trust Fund in the Fiduciary Funds section of H. B. 6.

5. That the committee authorize the Analyst to prepare a substitute bill for H. B. 6.

The motion passed unanimously with Sen. Bramble, Sen Niederhauser, Sen. Okerlund, Rep. Oda, Rep. Snow and Rep. Stratton absent for the vote.

2. RFAs

Rep. Angela Romero presented a request of state funding to improve sexual assault prevention and response which is desperately needed to support victims, hold offenders accountable, and keep Utah communities safe. Sexual assault is a crime with real costs that impact families, individuals, and communities in Utah.

Despite over twenty years of crime data showing a rate that exceeds the national average and continues to increase in a state where all other violent crimes are on the decline, there can be no doubt that sexual violence is widespread and unresolved in Utah.

Ms. Alana Kindness, Utah Coalition Against Sexual Assault (UCASA), recently completed a study of the cost of sexual violence in Utah. The total costs of sexual violence from medical care, mental health care, property damage, sexually transmitted infections, pregnancy, suicidal acts, substance abuse, victim services, investigation/adjudication, confinement/treatment, and earning loss while confined is \$5 billion. Utah government spending on sexual violence is \$109,270,382; just two percent of the total actual costs. The current allocation of Utah government spending is 84.4 percent to address investigating, prosecuting and incarcerating perpetrators, 15.1 percent to provide services for survivors and 0.5 percent is for prevention. Seventy nine percent of sexual assault victims in Utah were first assaulted prior to their 18th birthday. Only seven percent of

violent sexual assaults in Utah are committed by strangers. This information and other details can be found at <http://healthutah.gov/vipp/> and www.ucasa.org.

Utah's state budget currently provides no direct funding for sexual violence prevention, or for crisis response, medical exams, and advocacy for adult victims of rape and sexual assault. The funding from the RFA will be used to increase statewide capacity for sexual violence prevention, to address gaps in availability of professional training, skills maintenance and program support, and to monitor and analyze existing health and public safety data related to these crimes.

Sen. Thatcher stated that he will confer with Rep. Romero and Ms. Kindness and see if there is a way to tie his RFA together with theirs.

3. Building Blocks: Attorney General

Mr. Sean Reyes, Attorney General, assisted by Mr. Werner Haidenthaller, Chief Financial Officer, Attorney General's Office (AGO), presented the building block requests for the AGO. The cost of funding the AGO is mostly for personnel. He also presented ways that the AGO returns money back to the state in terms of litigation savings and risk savings.

Mr. Reyes reported \$180 million returned directly back to the state through the efforts of the AGO working in tandem with their client agencies in collections from hospital bills, tax levies, and insurance collections. The Mortgage & Financial Fraud Unit (MFFU) protects Utah consumers and investors through prosecuting mortgage, securities and communications fraud, tax evasion, theft, computer crime, identity theft and other financial crimes. White collar crime can be as devastating in the long term as violent crime. The AGO maximized the onetime funding of 2012, but now they need to have that become ongoing.

Mr. Reyes stated that the FBI and The Securities and Exchange Commission bring cases to the Utah Attorney General's Fraud Unit. This means that the Utah AGO is doing Federal, State, county and city work in the fight against white collar crime.

The AGO needs an additional attorney for the Department of Administrative Services. They currently have one attorney who also represents the capitol preservation board, state contracting, state real estate, and legal issues related to operation and renovation of the capitol, as well as state prison relocation issues.

The AGO also needs a full time legislative liaison attorney to provide information, guidance and direction to proposed or current legislation throughout the year. Currently the AGO has an attorney serving as legislative liaison, but there is no full time appropriation for that. As a result, the attorney has another job and isn't always available to meet with legislators and client agencies.

Ms. Bridget Romano, Civil Chief Deputy, AGO, requested appropriation for a separate, fully funded, stand alone Solicitor General (SG) The growth in prominence of the US Supreme Court and other federal court litigation underscores the need for a constitutional law attorney. In order to have a fully functioning appellate department, we need to have the SG protect the State from increasing federal encroachment and to be a part of constitutional defense cases.

The AGO also needs another attorney to work with the agency on their constitutional defense issues and special litigation. People are turning to the courts to solve problems that traditionally were solved by the leaders in Washington. This has caused a tremendous growth in federal trial court practice which causes pressure related to challenges of state laws. The AGO defends Utah's laws and they need an additional attorney to do that more effectively.

Mr. Reyes stated a need for client agency support in the form of attorneys for Endangered Species Act litigation, Driver License Division (including DUIs) and child protection in the Fourth Judicial District. The AGO has critical IT needs. Ideally the agency is supposed to have one IT professional for every 20 to 30 end users; the AGO has one for every 130 end users. The agency needs ongoing funding to acquire another IT person to bring the count down to one IT for every 70 end users.

The AGO needs one time funding to continue with ID Theft Central, a critical tool that has won national awards which allows any citizen to register their child's social security number so that if any unauthorized use is made, they are alerted right away. The AGO also needs one time funding for their Internet Crimes Against Children (ICAC) task force. The Utah ICAC task force is widely lauded as one of the best if not the best in the United States and has created 60 to 80 affiliates throughout the State. This funding will help coordinate and train the affiliates and continue to make Utah one of the best fighting forces against child sex crimes on the internet.

MOTION: Rep. Hutchings made a motion to direct the fiscal analyst to move \$624, 000 from the Department of Corrections' programs and operations line-item to the Department's Medical line-item for medical operations in the new West One Facility.

The motion passed unanimously with Sen. Bramble, Sen Niederhauser, Sen. Okerlund, and Rep. Snow absent for the vote.

4. Attorney General State Agency Billing

Ms. Lence presented the AG state agency billing overview. The AG bills state agencies for services. The arrangements are worked out on an individual basis between the agency and the AG and there is a lot of variation. Without a clear tracking mechanism, some agencies may be over billed and others under billed which can put \$5.9 million in federal funds at risk. During the interim, the subcommittee discussed transitioning the AG's billing of state agencies to an internal service fund (ISF) so the AGO will be able to bill agencies based on a set rate and the number of

hours of service provided.

Rep. DiCaro presented the 2016 GS bill that was created to facilitate the AGO's transition to the new ISF billing system. The bill is not yet numbered, but the title will be "Attorney General Fiscal Amendments".

Mr. Haidenthaller assisted by Ms. Romano, responded favorably to the bill that Rep. DiCaro presented and discussed the issues involved in implementing and transitioning to the new system.

MOTION: Rep. Romero moved to adjourn. The motion passed unanimously with Sen. Bramble, Sen. Niederhauser, Sen. Okerlund, and Rep. Snow absent for the vote.

Co-Chair Thatcher adjourned the meeting at 10:22 a.m.

Sen. Daniel W. Thatcher, Co-Chair

Rep. Eric K. Hutchings, Co-Chair